IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

Crl.MC.No. 3540 of 2007()

CRIME NO.181/2005 OF ANCHALUMMOODU POLICE STATION

PETITIONER: ACCUSED

GEETHA RANI, W/O. RAJAGOPALAN,
CHARUVILA VEEDU, CHETTIKULANGARA, CHAVARA VILLAGE,
(FROM CHAROOR, SREERAGAM HOUSE, KAITHA VADAKKU MURI, CHETTIKULANGARA, KANNAMANGALAM, MAVELIKKARA, ALAPPUZHA.)

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT & STATE

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, ANCHALUMMOODU POLICE STATION, KOLLAM DISTRICT, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3540 of 2007

Dated this the 1st day of December 2007

O R D E R

The petitioner has been released on bail by the learned Magistrate subject to conditions as per order dated 4/10/2007. The petitioner faces allegations for offences punishable inter alia under Sections 420 and 468 I.P.C.

2. After discussions at the Bar, the learned counsel for the petitioner assails condition Nos.1 and 3. Condition No.1 obliges the petitioner to produce two solvent sureties who shall be her close relatives. The learned counsel for the petitioner submits that the petitioner does not have any relatives solvent to that extent - Rs.1,00,000/- who are willing to stand surety. If such condition were rigidly insisted, the petitioner will have to remain in custody until the trial is over, submits the learned counsel for the petitioner.

3. Condition No.3 obliges the accused or her sureties to deposit Rs.50,000/- as cash security which is to be returned only after the proceedings are over. The petitioner submits that the financial position of the petitioner is such that she cannot afford

to make such deposit of Rs.50,000/-. If such insistence were made, that will again entail the consequence of the petitioner continuing in custody until the case against her is disposed of. The learned counsel for the petitioner prays that the said condition may also be deleted.

4. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor does not oppose the prayer made and I am satisfied that condition Nos.1 and 3 do deserve to be modified/deleted.

5. This petition is in these circumstances allowed. Condition No.1 shall stand modified. It shall be sufficient if the sureties produced are solvent and the learned Magistrate is satisfied about their identity and solvency. The sureties need not be relatives of the petitioners. The third condition that the petitioner or her surety must deposit an amount of Rs.50,000/- as cash security is deleted. The learned Magistrate, need only ensure that the sureties are sufficient and solvent.

6. This petition is accordingly allowed to the above extent.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007